

## COMMITTEE ON SUPERIOR COURT

<b>Date Action Required:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
September 22, 2006	<input checked="" type="checkbox"/> Formal Action/Request  <input type="checkbox"/> Information Only  <input type="checkbox"/> Other	ACJA §1-603, Arizona Manual of Transcript Procedures -- adoption

FROM: Jennifer Greene, Policy Analyst, Court Services Division, AOC, Staff to the Committee on Keeping the Record

PRESENTER(S): Jennifer Greene

DISCUSSION: See attached Proposal Cover Sheet.

RECOMMENDED MOTION: Recommend adoption of Section 1-603.

## ARIZONA CODE OF JUDICIAL ADMINISTRATION

### Proposal Cover Sheet

#### Part 1: Judicial Branch Administration

#### Chapter 6: Records

#### Section: 1-603: Arizona Manual of Transcript Procedures

1. **Effect of the proposal:** Adoption of this code section will implement a recommendation of the Committee on Keeping the Record. The code section establishes standards for formatting verbatim transcripts of court proceedings. The code section needs to be adopted prior to the effective date of the following proposed new rule (also recommended by the Committee). The Supreme Court will be considering the new rule on September 11-12.

*Rule \_\_\_\_.* *Transcripts of court proceedings; standards*

*A transcript is a document containing a verbatim record of the spoken words of a court proceeding prepared from either the certified reporter's notes or other verbatim record of the proceeding. Transcripts certified for use by any court shall be:*

*1. Prepared and certified by an authorized transcriber in accordance with the standards set forth in the **Arizona Manual of Transcript Procedures**. The current version of this manual is available from the Administrative Office of the Courts.*

*2. For purposes of this rule, an "authorized transcriber" means:*

*a. a certified reporter;*

*b. an individual or a transcription service under contract with an Arizona court; or*

*c. an individual employed by a court whose official duties include the preparation of transcripts.*

The anticipated effective date of this rule will be January 1, 2007.

2. **Significant new or changed provisions:** The proposal is intended to regulate transcript quality and promote uniformity. Only in recent years has the judicial branch adopted any formatting standards for official transcripts. The current standards, which appear in ACJA section 7-206, are binding only on certified court reporters. With the increasing use of digital recording equipment to make the record in courtrooms, transcripts are no longer prepared exclusively by certified reporters. The Committee saw a need for more complete standards to guide reporters and transcribers who may not have experience in preparing transcripts for Arizona's court

system. The proposed code section incorporates the formatting standards in section 7-206, but also addresses how to transcribe verbatim tape or digital recordings, a topic that does not pertain to the work of most certified stenographic reporters. Several other states have similar mandatory standards and this code section is modeled after some of those states' transcript manuals.

3. **Committee actions and comments:** The code section was drafted by a workgroup of the Committee on Keeping the Record including several Arizona certified court reporters and a member of the American Association of Electronic Recorders and Transcribers (AAERT). The document has been circulated as an Appendix to the Committee's Final Report to the Arizona Judicial Council, Presiding Judges Meeting, Committee on Superior Court, Limited Jurisdiction Courts Committee, Commission on Technology, Arizona Association of Superior Court Administrators, Limited Jurisdiction Court Administrators Association, and the Arizona Association of Superior Court Clerks. The Arizona certified court reporters were invited to review and comment on the document during August 2006. No suggestions for revisions were received.
4. **Controversial issues:** The Committee initially encountered some resistance from some court reporters as to whether these standards should be binding on certified reporters. The issue has been resolved by the Board of Certified Court Reporters. The Board recommended and the Supreme Court recently adopted portions of these standards that pertain to the process of preparing a transcript from a court reporter's notes of a court proceeding or a deposition. If a certified reporter transcribes an electronically-recorded proceeding, the reporter will be expected to comply with the pertinent portions of this code section that govern how to prepare a transcript from an electronic recording of a court proceeding.
5. **Recommendation:** Approve adoption of the proposed code section.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 1: Judicial Branch Administration**  
**Chapter 6: Records**  
**Section 1-603: Arizona Manual of Transcript Procedures**

**A. Applicability.** Pursuant to Rule \_\_, Arizona Rules of \_\_\_\_\_, official transcripts of court proceedings must be prepared by authorized transcribers in accordance with the standards set forth in this manual.

**B. Specifications**

1. Paper. Transcript paper shall be of good quality, white in color, 8-1/2 x 11 inches in size, and of at least 20 pounds in weight for both originals and copies.
2. Covers. Each transcript furnished shall be bound with covers of good quality, with heavy weight transparent plastic or similar material for the front cover.
3. Fastening. Transcripts shall be punched with three (3) round 1/4 inch holes, 3-1/2 inch center-center, and shall be fastened in such a manner that they can be disassembled and reassembled with ease.
4. Ink color. Black ink is to be used for both originals and copies.
5. Line numbering. Each page of a transcript is to contain 25 numbered lines of text; however, one blank line of text may be left before transitional events or hearings, for example, a witness set-up paragraph or “examination,” to ensure readability. If applicable, the last page of the transcript may contain fewer than 25 lines of text. Page numbers, headers or footers are not to be considered part of the 25 lines of text.
6. Page numbering. Unless otherwise requested, begin at page one (1) for each day of proceedings, even in multiple-day proceedings. The page number shall appear in the upper right corner. The page number does not count as a line. On a single-day transcript, the pagination of the transcript, whether consisting of one or more volumes, is to be numbered in a single chronological sequence throughout all volumes. On a multi-day transcript, each day is considered a separate transcript and is not consecutively numbered.
  - a. Title pages. Title pages are counted but not physically numbered.
  - b. Certification page. The certification page is always the last page of every transcript.
7. Type size. The letter character size is to be no fewer than nine or ten characters to the inch.

8. Margins. Combined margins shall not exceed 2 and 1/8 inches. The left-hand margin is measured from the left edge of the paper to the first character of text. The right-hand margin is measured from the right edge of the paper to the last character of text.
9. Indentations.
  - a. Q and A. Begin question and answer designations (“Q and A”) no more than five spaces from the left-hand margin. Begin text following Q and A designations at no more than ten spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.
  - b. Speaker identification. Begin speaker identification for colloquy at no more than fifteen spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.
  - c. Quoted material. Begin quoted material no more than fifteen spaces from the left-hand margin, with carryover lines beginning no more than ten spaces from the left-hand margin.
  - d. Parentheticals and exhibit markings. Begin parentheticals and exhibit markings no more than fifteen spaces from the left-hand margin, with carryover lines beginning at the left-hand margin.
10. Line spacing. Text shall be double spaced in the body of the transcript.
11. Copies. Transcript copies are to be reproduced by any method of reproduction that produces black text on white paper. There are to be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.
12. Electronic version. Copies of transcripts may be tendered to an ordering party in PDF or TIFF format unless the ordering party determines an originally printed, executed and bound transcript is necessary for further court proceedings, appeal, etc.

### **C. Contents.**

1. Transcript components. A transcript shall contain the following pages:
  - Title page;
  - Table of contents and index page, if applicable;
  - Appearance page;
  - Transcript of the hearing or trial; and
  - Certificate page.

- a. Title page. The title page shall begin on a separate page and display the following information, as applicable:

- Case caption;
- Type of proceedings, i.e. grand jury, jury trial, type of motion, etc.;
- Date of proceedings;
- Volume number for multi-day proceedings;
- City and state where proceedings were held;
- Name of judicial officer;
- Name of transcriber or certified reporter and reporter's certificate number;
- A clear indication that a transcript is a partial transcript or excerpt; and
- If the proceeding was recorded electronically, the title page shall indicate it is a transcript of an electronic proceeding.
- Other applicable information.

Sample title pages are contained in Appendices C, D and E.

- b. Table of contents or index page. The table of contents or index page, if applicable, shall begin on a separate page and display the following information:

- Witnesses' names typed on the index page as they appear in the transcript, i.e., middle initial, no middle initial, full name, Jr., etc.;
- Page numbers for the direct, cross, and redirect examination, etc., of each witness;
- Page numbers for other important events such as jury selection, opening statements, closing arguments, verdict, etc.; and
- Page numbers showing when exhibits are marked or introduced, admitted or excluded.

Sample table of contents or index pages are contained in Appendices F and G.

- c. Appearance page. The appearance page shall begin on a separate page and contain the following information, as applicable:

- The name of the attorneys and which party they represent. Attorney addresses may be included;
- The names of the parties and whether they are appearing in propria persona; and
- The names of the grand jurors present.

A sample appearance page is contained in Appendix H.

- d. Certificate page. The certificate page shall begin on a separate page and

contain the following information, as applicable:

- An indication whether the transcript is a full, true and accurate record of the proceeding;
- The signature and date of the authorized transcriber responsible for preparing the transcript;
- If the transcript was prepared by a certified reporter, the reporter's certificate number.

Sample certificate pages are contained in Appendices A and B.

2. Volumes. For a case in which the proceedings were held on separate days, the transcript shall not contain more than one day of proceedings. For example, if instructed to transcribe several separate proceedings in one case such as the arraignment, evidentiary hearing, the trial and sentencing, each held on separate days, the four proceedings would be bound in four separate volumes. Unless otherwise requested, the transcript pagination should begin at page one for each volume. For single-day transcripts, the pagination of the transcript, whether consisting of one or more volumes, shall be numbered in a single chronological sequence throughout all volumes. On a multi-day transcript, each day is considered a separate transcript and is not consecutively numbered. Each volume shall include all components identified in subsection (B)(1). If all volumes are prepared by the same transcriber/reporter, the first volume should include a master Table of Contents/Index showing the contents of all volumes.
3. Transcripts of excerpted proceedings.
  - a. Omitted portion of a proceeding. If a portion of the proceedings is not transcribed as provided in court rules or by the person requesting the transcript, the portion not transcribed shall be indicated with a parenthetical such as the following:

(JURY SELECTION NOT TRANSCRIBED)  
(OPENING STATEMENTS NOT TRANSCRIBED)

- b. Omitted testimony. If a portion of a witness's testimony is not transcribed, the following parenthetical/format is to be used:

After testimony of first witness is concluded, place "..."

1	
2	(End of portion designated for transcription.)
3	* * *
4	THE COURT: Call your next witness.

5	
6	MR. JONES: Jason Smith.

- c. Title page notation. When transcribing an excerpted proceeding, the transcript title page shall state that it is an excerpt of the proceeding.

#### **D. Style**

1. Verbal. Except as noted below, the transcript is to be verbatim and contain all words and other verbal expressions uttered during the proceeding:
  - a. Striking portions of the proceeding. No portion of the proceeding is to be omitted from the record by an order to strike. Regardless of the requesting party, material ordered stricken and the order to strike must all appear in the transcript.
  - b. Editing of speech. The transcript is to provide a verbatim record of words spoken in the proceedings. All grammatical errors, changes of thought, contractions, misstatements and poorly constructed sentences are to be transcribed as spoken. In the interest of readability, however, "uhms" and "uhs," and other verbal tics are not normally included in transcripts, but such verbalizations are to be transcribed whenever their exclusion could change a statement's meaning.
  - c. Reporting of audio/video recordings. Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless specifically instructed to do so. The transcriber is to place a parenthetical in the transcript at the start of the media being played as follows:

(EXHIBIT \_\_ PLAYED)

(VIDEOTAPE PLAYED BEGINNING AT [TIME] AND ENDING AT [TIME])

(AUDIOTAPE PLAYED BEGINNING AT [TIME] AND ENDING AT [TIME])

2. Parenthetical summary phrases. Summary phrases are to appear in parentheses and begin no more than fifteen (15) spaces from the left-hand margin, with carry over lines to begin at the left-hand margin. The following is a list of common parentheticals:

(SIMULTANEOUS CONVERSATION.) - Everyone speaks at once, making it impossible to hear any one voice.

(OFF THE RECORD.) - Attorneys indicate that they are taking the case "off the



record" to discuss an issue.

(JURY SWORN.) - A jury has been sworn in.

(PROCEEDINGS CONTINUED OUTSIDE PRESENCE OF JURY.) - The case continues with no jury present.

(PROCEEDINGS CONTINUED IN THE PRESENCE OF JURY.) - The case continues with jury present.

(SIDEBAR CONFERENCE.) - Attorneys hold a conference with the judge at his bench.

(RECESS.) - When they say "Let's have a recess" or "We'll take a recess," a pause in proceedings.

(WHEREUPON, A DISCUSSION WAS HELD OFF THE RECORD AT THE BENCH.)

(WHEREUPON, THE PROCEEDINGS CONCLUDED AT 10:42 A.M.)

(WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT.)

(WHEREUPON, THE COURT RECESSED AT 10:00 A.M.)

(WHEREUPON, THE FOLLOWING DISCUSSION WAS HELD AT SIDEBAR, OUTSIDE THE PRESENCE OF THE JURY :)

(PROCEEDINGS BEFORE THE JURY.)

(WHEREUPON, THE WITNESS, JAMES MCCORMACK, WAS DULY SWORN BY THE CLERK OF THE COURT.) Parenthetical is changed to reflect judge swearing in witnesses.

(THE FOLLOWING IS A PARTIAL TRANSCRIPT OF THE PROCEEDINGS HELD ON DECEMBER 10, 2004 :)

(WHEREUPON, VOIR DIRE OF THE JURY WAS CONDUCTED.)

(WHEREUPON, THE JURORS WERE SWORN FOR CAUSE BY THE CLERK.)

3. Identification of speakers. All speakers are to be properly identified throughout the transcript by using MR., MS., and their last name. The judge is to be identified as THE COURT, and the in-court clerk is to be identified as THE

CLERK. The witness is to be identified as THE WITNESS when not responding in Q and A format.

4. Swearing of witnesses. Testimony of witnesses is to be set-out as follows:

1	
2	THE CLERK: State your name for the record.
3	THE WITNESS: John Doe.
4	THE CLERK: Spell your last name.
5	THE WITNESS: D-o-e.
6	
7	THE COURT: Your witness.
8	MR. JONES: Thank you, Your Honor.
9	
10	JOHN DOE
11	called as a witness, having been duly sworn, testified as follows:
12	DIRECT EXAMINATION
13	BY MR. JONES:
14	Q
15	A
16	CROSS-EXAMINATION
17	BY MR. SMITH:
18	
19	Q
20	A

During examination of a witness under oath, the witness is identified as THE WITNESS.

- The attorney who is conducting the questioning is identified only as Q. There is no punctuation following Q or A.
- Before a jury has been selected, the group of prospective jurors is identified as PROSPECTIVE JURY PANEL.
- After a jury has been selected, the jury is identified as THE JURY.

5. Examination of witnesses:

a. Witness identification: When a witness testifies, the witness setup is as follows:

- The witness' name centered and in caps.
- On the line following the witness' name starting at the left margin is a brief statement indicating CALLED AS A WITNESS, HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS, followed by a colon. If a party testifies on his or her own behalf, type the phrase CALLED AS A WITNESS ON HIS OWN BEHALF, HAVING BEEN SWORN, TESTIFIED AS FOLLOWS ON, followed by a colon.
- On the next line centered and in caps is the type of examination such as DIRECT, CROSS, REDIRECT, RECROSS OR CONTINUED EXAMINATION, if known. If not known, use EXAMINATION.
- On the next line starting at the left margin, identify the person doing the questioning.

b. Types of examination:

- (1) Direct examination is typically questioning by the attorney who has called the witness. Usually a witness is questioned only once on direct examination during proceedings of the same nature. If a witness testifies telephonically, indicate in the initial witness setup CALLED AS A WITNESS, HAVING BEEN DULY SWORN, TESTIFIED TELEPHONICALLY AS FOLLOWS.
- (2) Cross-examination is questioning by the opposing attorney. A witness is usually questioned only once on cross-examination with the same exceptions as noted for direct examination.
- (3) Redirect examination is questioning again by the first attorney reexamining the witness on matters raised on cross examination.
- (4) Recross-examination is questioning by the opposing attorney re-examining the witness on matters raised on redirect.
- (5) Continued examination is used in the following circumstances. The word CONTINUED is included on the examination line when:
  - (i) Questioning of a witness has been interrupted by one or more pages of argument, voir dire examination or offer of proof. The full witness

setup need not be repeated except after an offer of proof. The type of continued examination and the attorney's introduction line is included.

(ii) At the beginning of a new day when questioning under the same type of examination as the end of the previous day is resumed or if a witness' testimony has been interrupted by testimony of another witness. In this instance, the entire witness setup is required with the words **HAVING BEEN PREVIOUSLY SWORN**.

(6) Voir dire examination is used primarily during jury selection when a prospective juror is questioned as to their qualifications as a juror or in expert testimony to test the qualifications and knowledge of an expert witness. Voir dire should be transcribed in colloquy format. For witness voir dire, the words **VOIR DIRE EXAMINATION** are to be centered and in caps. The next line is the attorney identification line as in any examination.

Example:

1	
2	MR. SMITH: Your Honor, may I voir dire the witness?
3	THE COURT: You may.
4	
5	VOIR DIRE EXAMINATION
6	BY MR. ATTORNEY:
7	Q
8	A

Voir dire examination is used in most instances when the testimony of a witness is interrupted by the opposing attorney who wishes to question the witness on a particular subject. It is usually referred to as voir dire but not always. The jury may or may not be excused. At the conclusion of voir dire examination, the original examination is set up as continued along with the attorney identification line.

1	
2	DIRECT EXAMINATION (Continued)
3	BY MR. ATTORNEY:
4	
5	Q

--	--

6. Breaks in speech – use of dashes (--). Often a speaker will break speech mid-sentence. This is indicated in the transcript as described below.
  - a. Changes of thought: When the speaker has a change of thought leaving a sentence unfinished to begin a new one.
  - b. Repetition: When a speaker repeats a word or phrase.
  - c. Mid-word: When a speaker leaves a word unfinished or starts another word.
  - d. Interruption: When a speaker has left a sentence incomplete due to an interruption. Frequently a speaker will be interrupted by another speaker before completing the sentence. Should this happen, the interrupted sentence would end with two dashes (--). If the speaker resumes the sentence after the interruption has ended, two dashes (--) would appear at the beginning of the resumed sentence.
  - e. Fade out: If a speaker fades out before ending a sentence, the two dashes are used.
  - f. Change of addressee: When an attorney who is questioning a witness interrupts a question mid-sentence to address the court or any courtroom participant other than the witness, this is shown by the two dashes. When addressing the witness, type Q. When addressing the court or any other courtroom participant, type the introduction line of MR., MS., etc.

1	
2	
3	<b>Q      Let me show you --</b>
4	MR. SMITH: Your Honor, may I approach?
5	
6	THE COURT: You may.
7	BY MR. ATTORNEY:
8	
	Q      Let me show you Exhibit 1.
	A

7. Indistinct portions. Occasionally when transcribing, there may be a word or words that cannot be heard or are garbled. Make every effort to transcribe it, but do not guess. If the phrase still cannot be deciphered, use one of the following summary phrases to clearly show the portion not transcribed.

- a. Indiscernible. When a word or phrase is unintelligible and cannot be transcribed, it is indicated by the word **INDISCERNIBLE** in parentheses. If the indiscernible phrase is the first word in a sentence, it should be capitalized. A description may be used for why the word or phrase was indiscernible, but do not guess.

Example:

(INDISCERNIBLE)

(INDISCERNIBLE - AWAY FROM MICROPHONE)

(INDISCERNIBLE - INTERRUPTED)

(INDISCERNIBLE - SIMULTANEOUS SPEECH)

- b. Inaudible reply. Occasionally a witness may answer by a shake or nod of the head that obviously is not recorded. If a question has clearly been asked and answered but no sound is heard, this is shown as a summary phrase **NO AUDIBLE RESPONSE** in parentheses. If any sound is heard that may be interpreted as the witness's reply but it is indistinct, type the word **INDISCERNIBLE** in parentheses.

## 8. Word usage

- a. Phonetic: If the correct spelling of a word or name cannot be ascertained from available resource material, type the word as it sounds phonetically followed with **(PHONETIC)**. It is not necessary to use the **(PHONETIC)** each time the word is transcribed.
- b. Sic: If a non-existent word is used, type the non-existent word with the word **SIC** in parentheses immediately after the word. *Example:*

6	
7	A I thunk (sic) to myself --

- c. Incorrect term: Should a speaker use a term that is known to be incorrect, type the term as spoken followed by the word *sic* in parentheses.
- d. Sic throughout: If a non-existent word is consistently used throughout a transcript or if a word is consistently used incorrectly, place **SIC THROUGHOUT** in parentheses immediately after the initial occurrence.

- e. Colloquialisms and sounds intended to convey meaning: The following is a brief list of colloquial terms frequently heard. They are typed as follows:

- “YEAH”
- “UH-HUH” or “UM-HUM” - Affirmative
- “HUH-UH” - Negative

9. Grammar and punctuation

- a. Capitalization: To simplify format uniformity, capitalization is limited as closely as possible to names, dates, addresses, direct personal titles, company names, countries, states, races and nationalities, initials instead of organization names such as *FBI*, *CIA*.
- b. Numbers. Numbers written out are the figures one through ten, fractions less than one (e. g., two-thirds, three-quarters) and numbers at the beginning of a sentence except those listed below. All numbers 11 and above are to be written in figures (e. g., 11, 12, 13). If a speaker says the word “number” preceding one through nine, type NUMBER 1, NUMBER 2.

The following numbers are written in figures even at the beginning of a sentence:

- (1) Exhibit numbers, e. g., 4 IS ADMITTED.
  - (2) Legal citations, e.g., A.R.S. SECTION 12-341.01; P.2D.
  - (3) Counts in an indictment are Roman numerals, e.g., COUNT I, COUNT II, COUNT III
  - (4) Time followed by the word “o’clock,” if stated, 11 O’CLOCK
  - (5) Dates and years, e. g., JANUARY 1, 1997
  - (6) Case numbers, e. g., 3AN-95-54 CR
  - (7) Addresses, e. g., 303 K STREET
  - (8) Money, e. g., \$1.95 or \$100
  - (9) Height and weight, e. g., 5'6" AND 140 POUNDS
  - (10) Caliber, e. g., .22 WINCHESTER AUTOMATIC, .357, .44 MAGNUM, 30-06
- c. Hyphenation/word division. Commonly accepted rules for proper hyphenation are to be followed. Hyphens are to be used when words or names are spelled out. Do not use hyphens for word division. Words are not to be hyphenated at the end of a line.
- d. Quotation marks. Use quotation marks only in the unlikely event that quoted material is available to verify a direct quotation. If the word “quote” is used,

transcribe it as follows:

10	
11	A And then she said, quote, stop right there.

10. Interpreters. When a witness speaks no English, or only partially, an interpreter is used whose sole purpose is to literally translate the questions from English to the foreign language and the answers to English.

- a. Literal translation. A literal translation is when the attorney asks questions and the interpreter answers the question for the witness in the first person. The witness setup is as follows:

4	
5	JOHN DOE
6	called as a witness on behalf of the defendant, having been sworn, testified by and
7	through an interpreter, as follows :
8	
9	DIRECT EXAMINATION
10	BY MR. JONES:
11	
12	Q How old are you, Mr. Doe?
13	
14	A I'm 29.

- b. Non-literal translation. At times an attorney will lapse into third person when asking questions or the interpreter will lapse into the third person when translating a witness' answer. When this occurs, the non-literal translation is transcribed as shown in this example:

8	
9	MR. JONES: Ask him where he was born.
10	THE INTERPRETER: He says Mexico.

11. Miscellaneous.

- a. Depositions or other documents read into the record. Whenever a deposition or other document is read into the record, use the format parenthetical



referenced previously.

- b. Polling of jury. After the verdict is read, there may be a request to poll the jury. Transcribe the polling as colloquy.
- c. Case citations. Case cites are underlined. Italics are not used.

#### **E. Rough Drafts.**

- 1. A rough draft transcript shall not contain a title page, appearance page, certificate page, any mention of the swearing in of a witness, footer with firm name or transcriber name or reporter's certificate number, index page, page numbers, line numbers, borders around the text on each page, or time stamping.
- 2. When a transcriber is requested to provide a rough draft transcript, each page must contain a header or footer stating UNCERTIFIED ROUGH DRAFT TRANSCRIPT. The phrase UNCERTIFIED UNEDITED ROUGH DRAFT TRANSCRIPT shall be included in the body of the text occasionally.
- 3. In lieu of a title page, each rough draft shall begin with a disclaimer stating the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. The disclaimer shall contain a brief identification of the contents, for example, HEARING ON MOTION TO SUPPRESS 6/18/06. The transcriber should keep a copy of the disclaimer.

**F. Transcript Errors.** Transcribers are expected to produce transcripts with a 98% accuracy rate and of a quality acceptable to the court for which the transcript is being produced. These standards were developed to explain what the court system regards as major errors that compromise the quality of the transcript. The accuracy rate of a transcript is determined by the number of major errors in a transcript.

- 1. Formatting errors. Major formatting errors include, but are not limited to:
  - a. Information on title page is inaccurate;
  - b. No table of contents;
  - c. Table of contents, if applicable, does not contain all required information or contains inaccurate information (e.g., incorrect page numbers, etc.);
  - c. Page numbering does not comply with this manual or with special instructions given;
  - d. Any errors contained in the certificate;
  - e. Any other significant departures from the format required by this manual.

2. Verbatim errors. A transcript must contain all words and other verbal expressions uttered during the course of the proceeding. Major verbatim errors are those which affect the quality of the transcript and include, but are not limited to:

- a. Inclusion or exclusion of a negative or affirmative that is not in the electronic record.

Examples:

Recorded: I did not commit the murder.

Transcribed: I did commit the murder.

Recorded: I wouldn't care if you did.

Transcribed: I would care if you did.

- b. Omission of a spoken word or phrase that affects the meaning of the sentence.

Examples:

Recorded: Mr. Smith possessed a handgun.

Transcribed: Mr. Smith knowingly possessed a handgun.

Recorded: Do you think you understand what you're being charged with?

Transcribed: Do you think you're being charged with?

- c. Incorrect word that affects the meaning of the sentence or whose usage is obviously wrong to a person familiar with legal terms and proceedings.

Examples:

Recorded: A small package was simulating marijuana.

Transcribed: A small package was assumably marijuana.

Recorded: The officer observed illegal conduct.

Transcribed: The officer was served illegal conduct.

Recorded: Your Honor, it's my motion.

Transcribed: Your Honor, it's my mission.

Recorded: They are excused from their subpoenas.

Transcribed: They are excused from these proceedings.

Recorded: Anything in the wallet or concealed anywhere.

Transcribed: Anything in the wallet or sealed anywhere.

Recorded: In reference to our motion for judgment of acquittal on Counts 1, 2, and 3 --

Transcribed: In reference to our motion for judgment and put them on Count 1, 2, and 3 --

d. Failure to recognize legal terms or phrases.

Examples:

Recorded: motion in limine filed by the defense.

Transcribed: motion to eliminate a file by the defense.

Recorded: That would justify the warrantless search.

Transcribed: That would justify the warrant was search.

Recorded: The plain touch doctrine is being adopted.

Transcribed: The play and touch doctrine is being adopted.

e. Wrong dates, days of weeks, years, times, exhibit numbers.

Examples:

Recorded: It was Monday, February 5, 1996.

Transcribed: It was Tuesday, March 4, 1995.

Recorded: It was at 10:30 in the morning.

Transcribed: It was at 11:30 in the morning.

Recorded: Exhibit D is admitted.

Transcribed: Exhibit B is admitted.

f. Omission of *UH-HUH* when used as an expression of assent.

g. Incorrect speaker.

Example:

Recorded: MR. SMITH: Yes, Your Honor.

Transcribed: MR. JONES: Yes, Your Honor.

For transcripts prepared from electronic recordings, if the transcriber is uncertain who is speaking after listening to the recording for a reasonable amount of time, one minute maximum, the transcriber should type the words: UNIDENTIFIED SPEAKER.

h. Any error that alters the meaning of the record.

3. Punctuation errors. Transcribers shall use commonly accepted rules for punctuation. In determining the accuracy rate of a transcript, punctuation errors that alter the meaning of the record are considered to be major errors.

4. Spelling errors.

- a. A transcript that has an average of more than two spelling errors per page may be returned for correction.
- b. A typographical error shall be classified as a misspelled word.
- c. Transcribers shall use the Spell Check feature on computer software, but they should not rely solely on Spell Check to ensure the correct spelling and use of words in the transcripts they prepare.
- d. Correct spelling of homonyms is required.
- e. Transcribers are expected to refer to specialty dictionaries such as medical, legal, etc., and to use other reference material such as a phone book, atlas, etc., when necessary to achieve correct spelling.

5. Incorrect indiscernibles. Transcribers preparing transcripts from electronic recordings shall isolate individual channels on transcribing equipment to assist in clarifying indiscernibles. A word or phrase that is transcribed as “INDISCERNIBLE” is a major error if it is discernible to another person when listening to the same audio used by the transcriber, except in the circumstances listed below:

- a. Bench conferences. Due to the nature of bench conferences, transcribers are only required to transcribe what is discernible to them. Transcripts will not be rejected because of indiscernibles in a bench conference unless the transcriber failed to transcribe speech that was easily discernible to another person after listening to the conference no more than one minute.
- b. Speech away from a microphone and telephonic speech. Transcribers must attempt to transcribe what is said by people who have stepped away from a microphone and by people who are participating telephonically. However, if the transcriber cannot discern what was said, the transcriber must type a summary phrase in parentheses INDISCERNIBLE - AWAY FROM MICROPHONE or INDISCERNIBLE - TELEPHONIC SPEECH. Transcripts will not be rejected because of indiscernibles that are marked in this manner unless the transcriber failed to transcribe speech that was easily discernible to another individual after listening to that portion of the tape no more than one minute.

**G. Duty to Report Problems with an Electronic Recording.** Transcribers preparing transcripts from electronic recordings who encounter gaps in the recording or other audio difficulties shall report such problems to the court. A sample reporting form that may be used for this purpose can be found at Appendix I.